



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,793	04/20/2001	Volkmar A. Sohner	12637.231	2752

7590 02/04/2003

Chadbourne & Parke LLP
30 Rockefeller Plaza
New York, NY 10112

EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT	PAPER NUMBER
----------	--------------

2125

DATE MAILED: 02/04/2003

#7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,793

Applicant(s)

SOHNER, VOLKMAR A.

Examiner

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 25-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30

Lines 7-8 recite "the order that creates the respective material in said manufacturing sequence." It is not understood how a material is created in a manufacturing sequence. A dictionary definition of create from the WEBSTER'S II New Riverside University Dictionary published 1984 is given below.

create vt. To bring into being

Claim 35

Lines 4-5 recite "one or more materials being consumed and/or created in said manufacturing sequence. It is not understood how a material is created in a manufacturing sequence. A dictionary definition of create from the WEBSTER'S II New Riverside University Dictionary published 1984 is given below.

create vt. To bring into being

Art Unit: 2125

Claim 39

Lines 11-12 state "one or more output interface nodes each representing a material created by said order. It is not understood how a material is created by an order. A dictionary definition of create from the WEBSTER'S II New Riverside University Dictionary published 1984 is given below.

create vt. To bring into being

Claim 51

Line 8 recites "wherein each output interface represents a material created by said order. It is not understood how a material is created by an order. A dictionary definition of create from the WEBSTER'S II New Riverside University Dictionary published 1984 is given below.

create vt. To bring into being

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milne (5943484).

In figure 5 Milne discloses the fundamental logic flow for monitoring and controlling resources and materials in a manufacturing sequence where the system has been implemented to run on an IBM SP2 machine (described in column 6, lines 64-66) with storage capability for storing materials, sequential manufacturing steps, and the allocation of materials at the appropriate steps. In figure 5, part A may be produced by either process A1 or A2. A linear programming technique which is imbedded in the linear programming materials requirement planning algorithm selects the combination of each process to generate the required number of parts by controlling start and stop times for each step, using optimization objectives such as minimizing the number of manufacturing starts required. In figure 5, the decisions are based on constraints such as the available options for supplying W1 and W2, the corresponding inventories, yields, and binning percentages of parts involved in the supply changes of the options available, thus considering the temporal constraints between activities in different sequences. Milne does not use the term "order" as a title to identify a selected series of sequential manufacturing activities.

It would have been obvious to one of ordinary skill in the art of elementary sequential logic and flow-charting that any subset of sequential activities in a total process may be arbitrarily grouped into larger functional blocks.

Relevant Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bush (5835377) discloses a method and system for optimizing movement within a computer based manufacturing system which includes global tracking modules in each shipping container, and a computer that monitors all of the locations for delivery schedule times, and a set of program logic which initiates a change in the process to compensate for any variation from the scheduled delivery.

Tanaka (5946663) discloses a method of planning a production schedule including storing management data, determining a sequence of operations from operation pattern information for producing a product for each production order.

Taylor (5991528) discloses an expert manufacturing system for control of materials and processes which uses a rule based expert system using manufacturing geometry definitions to set the time and sequence of each operation to optimize the product cycle parameters.

Smirnov (6321133) discloses an order scheme processing algorithm and system used in a manufacturing environment to allocate materials, and utilize information assets in a manner which optimizes desired parameters such as minimizing the use of certain expensive materials, maximizing yield, and optimizing the temporal interactions between related sequential events.

6. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (703) 308-2005. The examiner can normally be reached from 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

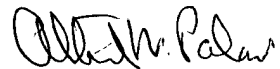
Application/Control Number: 09/838,793

Page 6

Art Unit: 2125

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

January 14, 2003



Albert W. Paladini
Primary Examiner
Art Unit 2827